

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 10-4061 CAS (RCx)	Date	June 27, 2011
Title	IVY L. BEVERLY v. MARK BIVENS; ET AL.		

Present: The Honorable	CHRISTINA A. SNYDER
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CATHERINE JEANG

SANDRA BECCERA

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Jorge Otano

Proceedings: **DEFENDANTS' MOTION FOR A JUDGMENT ON THE PLEADINGS OF PLAINTIFF'S AMENDED COMPLAINT**
(filed 03/21/11)

On June 3, 2010, plaintiff Ivy L. Beverly ("Beverly") filed the original complaint in the instant action. On January 10, 2011, Beverly filed a first amended complaint ("FAC"). The FAC alleges claims against defendants Mark Bivens, Tommy Villarreal, Caryl Miller, Stephen Bickel, and the City of Los Angeles for violations of (1) 42 U.S.C. § 1983; (2) the Federal Medical Leave Act ("FMLA"), pursuant to 29 U.S.C. § 2601 et seq.; and (3) the California Medical Rights Act ("CFRA"), pursuant to Cal. Gov. Code § 12945.2. Plaintiff's claims arise from her allegedly wrongful termination from the Department of Transportation for the City of Los Angeles.

On March 21, 2011, defendants filed a motion for judgment on the pleadings. On May 31, 2011, plaintiff filed an opposition to defendants' motion. On June 13, 2011, defendants filed a reply in support of their motion.

Defendants' motion requests dismissal of plaintiff's second and third claims with respect to all defendants, and dismissal of plaintiff's first claim as to the City of Los Angeles. Plaintiff's opposition is construed as a voluntary dismissal of those claims. The Court therefore dismisses plaintiff's second and third claims and plaintiff's first claim as to defendant City of Los Angeles.

The scheduling conference in this matter is continued to July 18, 2011 at 11:00 a.m.

IT IS SO ORDERED.

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	CMJ